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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/719,855	11/21/2003	Gerhard Gaida	Z50031	2930				
1218 CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016	7590 09/25/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">RAO, ANAND SHASHIKANT</td></tr></table>		EXAMINER		RAO, ANAND SHASHIKANT	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,855

Applicant(s)

GAIDA ET AL.

Examiner

Andy S. Rao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-11 as filed in on 6/19/07 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al., (US 2002/0149628 hereinafter referred to as "Smith") in view of Kirsten.

Smith discloses an optical observation apparatus (Smith: figure 1) including: an optical system which produces an image of the object being observed (Smith: paragraph [0032], lines 1-11), and a video device for recording the image and for producing an image signal representative of the image (Smith: paragraph [0034], lines 1-3), characterized in that the video device includes a first memory for temporary storage of the image signal (Smith: paragraph [0039], lines 1-8), a second memory in data communication with the first memory (Smith: paragraph [0038], lines 1-6), and a control device in control communication with both memories for controlling the storage procedure for the first memory (Smith: paragraph [0040], lines 1-13), as in claim 1. However, Smith fails to disclose a storage procedure such that the image signal is stored over a predetermined period of time and an oldest image signal is continuously overwritten by a fresh

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image signal, and that transfer of at least a portion of content of the first memory to the second memory takes place as a reaction to a trigger signal, as in the claim. Kirsten discloses a video archiving system multi-camera based industrial surveillance (Kirsten: figures 1 and 2) which discloses a storage procedure in which an image signal is stored over a predetermined period of time and an oldest image signal is continuously overwritten by a fresh image signal (Kirsten: column 5, lines 3-17), and that transfer of at least a portion of content of a first memory to a second memory takes place as a reaction to a trigger signal (Kirsten: column 1, lines 65-67; column 2, lines 1-15) in order to achieve better volumetric efficiency in storing imaged material (Kirsten: column 6, lines 25-40). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the Kirsten storage procedure including its continuous overwriting, into the Smith observation apparatus in order to achieve the advantage of better volumetric efficiency in the storage media of the Smith apparatus. The Smith apparatus, now incorporating the Kirsten storage procedure including continuous overwriting, has all of the features of claim 1.

Regarding claim 2, the Smith apparatus, now incorporating the Kirsten storage procedure including continuous overwriting, has that the data communication between the first and second memories is designed for transfer at a high data rate (Smith: paragraph [0039], lines 1-5), as in the claim.

Regarding claim 3, the Smith apparatus, now incorporating the Kirsten storage procedure including continuous overwriting, has a second memory capacity which is at least as twice as high as that of the first memory (Smith: paragraph [0038], lines 1-5).

Regarding claims 4-5, the Smith apparatus, now incorporating the Kirsten storage procedure including continuous overwriting, discloses that the second memory (73) is adapted to be replaceable (Smith: paragraph [0038], lines 1-6), as in the claims.

Regarding claims 6-7, the Smith apparatus, now incorporating the Kirsten storage procedure including continuous overwriting, discloses that the optical system is a stereoscopic optical system, that the image produced by the optical system includes two stereoscopic partial images and that the video device includes two first and two second memories (Smith: paragraph [0213], lines 5-9), a respective one for each stereoscopic partial image (Smith: paragraph [0006], lines 1-6), as in the claims.

Regarding claim 8, the Smith apparatus, now incorporating the Kirsten storage procedure including continuous overwriting, discloses in that the video device includes a still camera (Smith: paragraph [0034], lines 1-4), as in the claim.

Regarding claim 9, the Smith apparatus, now incorporating the Kirsten storage procedure including continuous overwriting, discloses in that it is in the form of an operation microscope or an endoscope (Smith: paragraph [0032], lines 1-5), as in the claim.

Smith discloses an operation microscope (Smith: figure 1; paragraph [0029], lines 1-6) including: an optical system which produces an image of the object being observed (Smith: paragraph [0032], lines 1-11), and a video device for recording the image and for producing an image signal representative of the image (Smith: paragraph [0034], lines 1-3), characterized in that the video device includes a first memory for temporary storage of the image signal (Smith: paragraph [0039], lines 1-8), a second memory in data communication with the first memory (Smith: paragraph [0038], lines 1-6), and a control device in control communication (76B, 76C)

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with both memories for controlling the storage procedure and data transfer from the first to the second memory (Smith: paragraph [0040], lines 1-13), and wherein the optical system and video device are disposed in an optical, longitudinal axis (Smith: paragraph [0039], lines 1-6). as in claim 10. However, Smith fails to disclose wherein the control device is adapted for controlling the storage procedure for the first memory in such a way that the image signal is stored over a predetermined period of time and an oldest image signal is continuously overwritten by a fresh image signal, and that transfer of at least a portion of content of the first memory to the second memory takes place as a reaction to a trigger signal, as in the claim. Kirsten discloses a video archiving system multi-camera based industrial surveillance (Kirsten: figures 1 and 2) which discloses a storage procedure in which an image signal is stored over a predetermined period of time and an oldest image signal is continuously overwritten by a fresh image signal (Kirsten: column 5, lines 3-17), and that transfer of at least a portion of content of a first memory to a second memory takes place as a reaction to a trigger signal (Kirsten: column 1, lines 65-67; column 2, lines 1-15) in order to achieve better volumetric efficiency in storing imaged material (Kirsten: column 6, lines 25-40). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the Kirsten storage procedure including its continuous overwriting, into the Smith observation apparatus in order to achieve the advantage of better volumetric efficiency in the storage media of the Smith apparatus. The Smith apparatus, now incorporating the Kirsten storage procedure including continuous overwriting, has all of the features of claim 10.

Smith discloses an optical observation apparatus (Smith: figure 1) including: a stereoscopic optical system which produces two stereoscopic partial images of the object being

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observed (Smith: paragraph [0006], lines 1-5), the optical system for each stereoscopic partial image includes its own observation channel, wherein each observation channel includes a video device for recording the stereoscopic partial image and for producing an image signal representative of the stereoscopic partial image (Smith: paragraph [0213], lines 5-9), characterized in that each video device includes a first memory for temporary storage of the image signal, (Smith: paragraph [0039] lines 1-8), a second memory in data communication with the first memory (Smith: paragraph [0039], lines 1-8), and a control device in control communication with both memories for controlling the storage procedure and data transfer from the first to the second memory (Smith: paragraph [0040], lines 1-13), wherein the optical system and video device are disposed in an optical, longitudinal axis (Smith: paragraph [0039], lines 1-6), as in claim 11. However, Smith fails to disclose having the control device is adapted for controlling the storage procedure for the first memory in such a way that the image signal is stored over a predetermined period of time and an oldest image signal is continuously overwritten by a fresh image signal, and that transfer of at least a portion of content of the first memory to the second memory takes place as a reaction to a trigger signal, as in the claim.

Kirsten discloses a video archiving system multi-camera based industrial surveillance (Kirsten: figures 1 and 2) which discloses a storage procedure in which an image signal is stored over a predetermined period of time and an oldest image signal is continuously overwritten by a fresh image signal (Kirsten: column 5, lines 3-17), and that transfer of at least a portion of content of a first memory to a second memory takes place as a reaction to a trigger signal (Kirsten: column 1, lines 65-67; column 2, lines 1-15) in order to achieve better volumetric efficiency in storing imaged material (Kirsten: column 6, lines 25-40). Accordingly, given this teaching, it would

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have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the Kirsten storage procedure including its continuous overwriting, into the Smith observation apparatus in order to achieve the advantage of better volumetric efficiency in the storage media of the Smith apparatus. The Smith apparatus, now incorporating the Kirsten storage procedure including continuous overwriting, has all of the features of claim 11.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

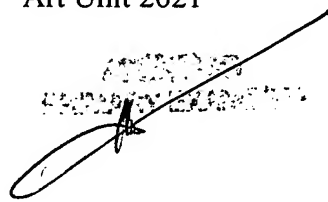
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
Art Unit 2621

asr
April 6, 2007

A handwritten signature in black ink, appearing to read 'ASR', is written over a faint, rectangular stamp. The signature is slanted upwards to the right.